

Remarks/Arguments

This amendment is submitted in response to the final Office Action of April 25, 2003, identified as Paper No. 32. Claims 1-11 remain pending in the application.

Claims 1, 4 and 6 were rejected under 35 U.S.C. § 102(b) as anticipated by individual packets of salt available in restaurants. Claims 1-6 were rejected under 35 U.S.C. § 103(a) as obvious in light of U.S. Patent No. 4,047,647 to Lewis ("*Lewis*").

With regard to the rejection under section 102(b), Applicant has amended claim 1 to recite an ice melting package, comprising: (a) a sleeve composed of a flexible, semi-permeable material for releasing an ice melting substance in response to contact with a surface of ice; and (b) a predetermined amount of said ice melting substance contained within said sleeve.

Applicant has thus specifically recited that the flexible, semi-permeable sleeve will release the ice melting substance in response to contact with ice. By contrast, conventional paper salt packets are incapable of this claimed function as they additionally lack the affirmatively claimed structure, *i.e.*, the semi-permeable membrane, for releasing the ice melting substance when in direct contact with ice.

With regard to the rejection under section 103(a), the edible salt container of *Lewis* does not render the claimed invention obvious as it lacks the claimed a sleeve composed of a flexible, semi-permeable material for releasing an ice melting substance in response to contact with a surface of ice. While the prior art may show the use of flexible containers, there is no teaching that semi-permeable membranes should be used. Indeed, the use of a semi-permeable membrane in *Lewis* would defeat the central purpose of the reference as the absorption of fluids into the container would spoil the contents and render the salt unfit for consumption. Moreover, the release of the salt in *Lewis* through a semi-permeable "sleeve" is completely contrary to the need

to contain salt for selective pouring by a user. By contrast, the claimed invention is designed to semi-permeably release the ice melting substance through the sleeve when it is in contact with an ice surface.

Applicant has added new claims 7-11. Claim 7 recites an ice melting package, comprising: (a) a sleeve for containing an ice melting substance, wherein said sleeve includes means for absorbing a fluid into said sleeve and dispersing a solution comprising said ice melting substance and said fluid; and (b) a predetermined amount of said ice melting substance contained within said sleeve. As pointed out with regard to claim 1, the invention recited in claim 7 comprises structure, *i.e.*, means for absorbing a fluid into said sleeve and dispersing a solution comprising said ice melting substance and said fluid, which will release the ice melting substance when in contact with a surface of ice. The prior art cited by the Examiner is limited to vessels that contain salt for future manual dispensing, and thus is contrary to the central purpose of the claimed invention – to automatically and controllably release an ice melting substance by virtue of the contact of the vessel with ice, rather than by manual spreading.

Enclosed herewith is a change of correspondence address.

Also enclosed herewith is a Petition for a Three Month Extension and a check for \$475.00. The Commissioner is authorized to charge any deficiencies or credit any over-payment to Deposit Account 50-1546.

In view of the foregoing amendments, the Examiner's reconsideration is requested and allowance of the present application is believed to be in order. If the Examiner believes a phone conference with Applicant's attorney would expedite prosecution of this application, he is respectfully requested to contact him at (315) 218-8515.

Appl. No. 09/976,325
Amendment dated October 24, 2003
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Respectfully submitted,

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By: 

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